

REMARKS

In the Final Office Action¹, the Examiner objected to the drawings; rejected claims 1-5 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,546,422 to Okado ("*Okado*"); and rejected claims 6-8 under 35 U.S.C. § 103(a) as being unpatentable over *Okado* in view of U.S. Patent Appl. No. 2006/0186435 to Sugawara ("*Sugawara*").

Applicants have amended claims 1-3 and 5-8, canceled claim 4, and added claim 9. Claims 1-3 and 5-9 remain pending.

Regarding the objection to the drawings, as stated in the Request for Reconsideration filed October 2, 2008, Fig. 1 provides an exemplary illustration of the claimed "inverter apparatus" including a "three-phase inverter," and Fig. 7 provides an exemplary illustration of the claimed "three-phase inverter." Moreover, Fig. 6 provides an exemplary illustration of the internal structure of the claimed "simultaneous switching prevention circuit." According to 37 C.F.R. § 1.83(a), "[t]he drawing[s] in a nonprovisional application must show every feature of the invention specified in the claims. However, conventional features disclosed in the description and claims, where their detailed illustration is not essential for a proper understanding of the invention, should be illustrated in the drawing in the form of a graphical drawing symbol or a labeled representation (e.g., a labeled rectangular box)." Applicants submit that the

¹ The Final Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Final Office Action.

drawings meet the requirements of 37 C.F.R. § 1.83 and request that the Examiner withdraw the objection.

Applicants respectfully traverse the rejection of claims 1-5 under 35 U.S.C. § 102(b) as anticipated by *Okado*. Claim 4 has been canceled, rendering the rejection moot. In order to properly establish that *Okado* anticipates Applicant's claimed invention under 35 U.S.C. § 102, each and every element of each of the claims in issue must be found, either expressly described or under principles of inherency, in that single reference. Furthermore, "[t]he identical invention must be shown in as complete detail as is contained in the ... claim." See M.P.E.P. § 2131, quoting *Richardson v. Suzuki Motor Co.*, 868 F.2d 1126, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989).

Claim 1 recites an inverter recording apparatus characterized in that:

...
a simultaneous switching prevention circuit that delays a turn-on of a first switching element of the first pair of switching elements, wherein
the first switching element corresponds to a first phase and an electrode opposite an electrode corresponding to a second switching element of the second pair of switching elements,
the second switching element corresponds to a second phase, and
the delay is generated within a predetermined time after the second switching element of the second pair of switching elements is turned off.

(emphasis added). *Okado* does not disclose each and every element of Applicants' claimed invention.

The Examiner states that correction signal generators 17-19 of *Okado* correspond to the claimed "inverter control portion" and transistors 21-26 of *Okado* correspond to the claimed "switching elements" (Final Office Action at page 3). Applicants respectfully disagree.

According to *Okado*, correction signal generators 17-19 “are provided to receive the outputs of current detectors and to produce voltage correction signals” (col. 4, lines 40-42). The Examiner cites Fig. 11 of *Okado* to allegedly disclose the claimed “delaying” (Final Office Action at page 3). Even assuming that Fig. 11 illustrates a delay, which Applicants do not concede, *Okado* appears to only disclose preventing switching elements of the same phase from being turned on at the same time.

In contrast, claim 1 requires “a simultaneous switching prevention circuit that delays a turn-on of a first switching element of the first pair of switching elements” wherein the “first switching element corresponds to a first phase and an electrode opposite an electrode corresponding to a second switching element of the second pair of switching elements,” a “second switching element corresponds to a second phase,” and “the delay is generated within a predetermined time after the second switching element of the second pair of switching elements is turned off.” *Okado* does not teach or suggest delaying the “turn-on of a first switching element” that “corresponds to a first phase and an electrode opposite an electrode corresponding to a second switching element of the second pair of switching elements” in combination with a “second switching element corresponds to a second phase” wherein “the delay is generated with a predetermined time after the second switching element of the second pair of switching elements is turned off.”

Therefore, *Okado* does not teach or suggest the claimed combination of elements including, for example, “a simultaneous switching prevention circuit that delays a turn-on of a first switching element of the first pair of switching elements, wherein the first switching element corresponds to a first phase and an electrode

opposite an electrode corresponding to a second switching element of the second pair of switching elements, the second switching element corresponds to a second phase, and the delay is generated within a predetermined time after the second switching element of the second pair of switching elements is turned off,” as recited in claim 1.

Accordingly, *Okado* cannot anticipate claim 1. Thus, claim 1 is allowable for these reasons. Independent claims 2 and 3, while of different scope, recite limitations similar to those of claim 1 and are thus allowable over *Okado* for at least the same reasons discussed above in regard to claim 1. Claims 5 and 9 are also allowable at least due to their dependence from any one of claims 1-3.

Regarding the rejection of dependent claims 6-8, the Examiner relies on *Sugawara* for allegedly disclosing all elements of claims 6-8 (Final Office Action at pages 4-5). Even assuming that this is correct, which Applicants do not concede, *Sugawara* does not cure the deficiencies of *Okado*.

Sugawara discloses a semiconductor device comprising “a wide-gap bipolar semiconductor element” (paragraph 0011). *Sugawara* does not teach or suggest the claimed combination of elements including, for example, “a simultaneous switching prevention circuit that delays a turn-on of a first switching element of the first pair of switching elements, wherein the first switching element corresponds to a first phase and an electrode opposite an electrode corresponding to a second switching element of the second pair of switching elements, the second switching element corresponds to a second phase, and the delay is generated within a predetermined time after the second switching element of the second pair of switching elements is turned off,” as recited in

claim 1, similarly recited in independent claims 2 and 3, and required by dependent claims 6-8.

Therefore, no *prima facie* case of obviousness has been established, and claims 6-8 are also allowable over *Okado* and *Sugawara* for at least the same reasons as claims 1-3.

In view of the foregoing , Applicants respectfully request reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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